THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION Nos.22832, 22889 AND 22901 OF 2005

Dated: 25.10.2005

WP.No.22832 of 2005:

BETWEEN

K. Ramachandra Reddy, S/o. Subba Reddy, Occ: Agriculture,
R/o. Dasukuppam Village, Satyavedu Mandal, Chittoor District.

...PETITIONER

AND

Government of Andhra Pradesh, Rep. by its Registrar and Commissioner of Cooperative Societies, Hyderabad and others.

...RESPONDENTS

WP.No.22889 of 2005:

BETWEEN

K. Sunderrami Reddy, S/o. Subba Reddy, Occ: Agriculture,
R/o. Dasukuppam Village, Satyavedu Mandal, Chittoor District.

...PETITIONER

AND

Government of Andhra Pradesh, Rep. by its Registrar and Commissioner of Cooperative Societies, Hyderabad and others.

...RESPONDENTS

WP.No.22901 of 2005:

BETWEEN

K. Pratap Reddy, S/o. K. Sunderrami Reddy, Occ: Agriculture,
R/o. Dasukuppam Village, Satyavedu Mandal, Chittoor District.

...PETITIONER

AND

Government of Andhra Pradesh, Rep. by its Registrar and Commissioner of Cooperative Societies, Hyderabad and others.

...RESPONDENTS

COMMON ORDER:

These writ petitions are filed seeking a Writ of Mandamus to declare the action of the third respondent in rejecting the nominations of the petitioners to the post of Member, Governing Body of the fourth respondent society as illegal, arbitrary and consequently direct the second and third respondents to accept the nominations of the petitioners.

It is stated that the petitioner in WP.No.22889 of 2005,
K. Suderrami Reddy, obtained loan from the fifth respondent bank for which his son petitioner in WP.No.22901 and his brother petitioner in WP.No.22832 are the co-executors of the loan amount and there are no dues payable by them and in fact, no due certificates were obtained long back. But contrary to the relevant records and facts the nomination papers of the petitioners for contesting in the elections for the Primary Agricultural Cooperative Society, V.R. Kandriga, Chittoor District, were rejected by the Election Officer on the ground that as per the letter dated 19.10.2005 issued by the Manager, District Central Cooperative Bank, Satyavedu, the petitioners are the defaulters for non-payments of the amount taken as loan; therefore, they are not entitled to be chosen as Members of the Governing Body of the fourth respondent society.

Quite contrary to the said contentions the learned Government Pleader for the respondents submits that, in fact, as per the letter of the fifth respondent dated 19.10.2005, an amount of Rs.1,348/- is due and payable by the petitioners.

As these are disputed questions of fact that an amount of Rs.1,348/- is due and payable by the petitioners the same cannot be decided in these writ petitions. Therefore, it cannot be said that the nomination papers of the petitioners have been erroneously rejected on the ground that the petitioners are defaulters.

The writ petitions are accordingly dismissed with a liberty to the petitioners to file election petition in accordance with law.

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V. ESWARAIAH, J

October 25, 2005

DSK